

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:)	CASE NO.: 3:14-bk-00024
)	CHAPTER 13
PETER G. HANEY,)	
and EVA MARIE HANEY,)	
)	
Debtors)	

CHAPTER 13 PLAN

The Debtors submits the following Chapter 13 Plan:

1. The future earnings of the Debtors are submitted to the control and supervision of the Trustee, and the Debtors shall pay to the Trustee the sum of **\$1,160.00** per month in months one (1) through eight (8); the sum of **\$1,204.34** per month in months nine (9) through forty-four (44); and the sum of **\$1,370.89** per month in months forty-five (45) through sixty (60) for a total plan period of sixty (60) months.
2. From the payments so received, the Trustee shall make disbursements as follows:

A. PRIORITY CLAIMS

- (1) The fees and expenses of the Trustee shall be paid over the life of the plan at the rate of ten percent (10%) of the amount of all payments under the plan.
- (2) The Debtors owe **\$4,000.00** in unpaid attorney's fees. The Trustee shall pay the order of Parker & DuFresne, P.A. **\$500.00** per month in the month's one (1) through eight (8) until paid in full.

B. SECURED CLAIMS

- (1) **CITIMORTGAGE INC.** holds a mortgage on the Debtors' real property located at 85104 Blackmon Road, Yulee, Florida 32097. The Debtors are applying for a mortgage modification. Payments to the mortgage company will be determined upon approval of a trial mortgage modification and/or a permanent modification. The trustee shall pay the mortgage company commencing on a date as required in the trial and/or permanent modification and the amount as determined in the agreement and upon the approval of this court.
- (2) **REGIONS/AMSOUTH** holds a second mortgage on the Debtors' real property located at 85104 Blackmon Road, Yulee, Florida 32097. The Debtor(s) have filed an adversary proceeding against this creditor to value its lien against the homestead property at \$0.00. The Trustee shall make no payments to this creditor.
- (3) **NASSAU COUNTY TAX COLLECTOR** holds a security interest in Debtors' real property located at 85822 Wilson Neck Road, Yulee, Florida 32097 in the amount of \$2,170.14 for unpaid property taxes. The Trustee shall pay this secured claim in the amount of \$2,170.14 with monthly payments of **\$289.90** per month in month nine (9) through sixteen (16) until paid in full. This payment includes interest at the rate of 18%.

- (4) **SUMMITT FINANCIAL CORP** holds a perfected lien on the Debtor(s)' 2013 Nissan Rogue in the amount of \$23,936.00. The Trustee shall pay this secured claim at the current contract rate of **\$544.00** per month beginning in months one (1) through forty-four (44), until paid in full. This includes the contract interest rate.

C. **UNSECURED CLAIMS** Unsecured creditors, including those secured creditors who have deficiency claims or whose liens have been avoided and who timely file proofs of claim shall receive distribution pro-rata. The Trustee shall distribute pro-rata among those unsecured creditors whose claims are filed and allowed any funds remaining after paying priority and secured claims the amount of **\$36,857.86** with monthly payments of **\$250.00** per month in month nine (9) through sixteen (16); **\$539.90** per month in months seventeen (17) through forty-four (44); and **\$1,233.80** in months forty-five (45) through sixty (60). Any claims filed after the proof of claims deadline shall receive no distribution under this plan unless specifically provided for above.

3. **EXECUTORY CONTRACTS** The Debtors **does not reject** any executory contracts.
4. **VESTING** Title to all property of the estate shall revest in the Debtors upon confirmation of this plan.
5. **RETENTION OF LIEN** Secured creditors shall retain their liens until the allowed secured claim is paid in full.
6. **INSURANCE** Debtors shall keep the collateral which secures any debt paid under this plan insured as provided for in the agreement between the Debtors and creditor.
7. **CONFIRMATION OF THE PLAN** shall impose a duty on the holders and/or servicers of claims secured by liens on real property (a) to apply the payments received from the trustee on the pre-petition arrearages, if any, only to such arrearages; (b) to deem the pre-petition arrearages as contractually cured by confirmation; (c) to apply the direct mortgage payments, if any, paid by the trustee or by the debtors(s) to the month in which they were made under the plan or directly by the debtors(s), whether such payments are immediately applied to the loan or placed into some type of suspense account; (d) to notify the trustee, the debtors(s) and the attorney for the debtors(s) of any changes in the interest rate for an adjustable rate mortgage and the effective date of the adjustment; (e) to notify the trustee, the debtors(s) and attorney for the debtors(s) of any change in the taxes and insurance that would either increase or reduce the escrow portion of the monthly mortgage payment; and (f) to otherwise comply with 11 U.S.C. Section 524(i).

DATED this 3rd day of January, 2014.

PARKER & DUFRESNE, P.A.

/s/ E. Warren Parker, Jr.

E. Warren Parker, Jr.
Florida Bar No.: 958506
8777 San Jose Blvd., Suite 301
Jacksonville, FL 32217
Telephone: (904) 733-7766
Facsimile: (904) 733-2919
Attorney for Debtors